

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHELANGELO MUSCOLINO,

PLAINTIFF

V.

NO. 4:07CV040-P-B

MICHAEL LANDRUM, et al.,

DEFENDANTS

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

Plaintiff's *pro se* § 1983 complaint was filed on March 14, 2007. On April 25, 2007, Plaintiff's complaint was dismissed and the case was closed for failure to state a claim. On May 11, 2007, Plaintiff submitted a motion to alter or amend the judgment of dismissal under Rule 60(b), Federal Rules of Civil Procedure.

As before, after reviewing the original pleadings as well as the motion and the applicable law, the court concludes that the April 25, 2007, order was correct in law and fact and that Plaintiff has failed to produce a legal basis to alter the court's ruling. *See Murphy v. Collins*, 26 F.3d 541, 543 (5th Cir. 1994) (no due process violation by exclusion of witnesses). Therefore, the motion to alter or amend judgment (docket entry 11) is hereby **DENIED**.

SO ORDERED:

THIS, the 29th day of May, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE